

2. Second plea in law, alleging a violation of the applicant's procedural rights due to the Commission's failure to provide adequate reasoning pursuant to Article 296(2) TFEU, corresponding to a violation of the right to good administration.

Action brought on 16 July 2020 — LA v Commission

(Case T-456/20)

(2020/C 287/63)

Language of the case: Italian

Parties

Applicant: LA (represented by: M. Velardo, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of 20 June 2019 by which the applicant was not included in the list of candidates admitted to the Assessment Centre phase of Competition EPSO/AD/371/19;
- annul the decision of 24 September 2019 rejecting the request for review;
- annul the decision of 6 April 2020 dismissing the administrative appeal brought under Article 90(2) of the Staff Regulations;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging a manifest error of assessment.
 - In this regard the applicant claims that the selection board infringed the competition notice (first paragraph of Article 5 of Annex III to the Staff Regulations), in so far as it did not take into account her professional qualities, clearly disregarding the requirements of the competition notice and the functions assigned to the successful candidates.
 2. Second plea in law, alleging failure to observe the principle of equality.
 - In this regard the applicant claims that during the Talent Screener phase the selection board failed to comply with the assessment criteria laid down by the competition notice and thereby failed to ensure equal treatment of candidates.
 3. Third plea in law, alleging infringement of the obligation to state reasons and the related principle of equality of the parties in the proceedings (Article 47 of the Charter of Fundamental Rights).
 - In this regard the applicant claims that there was a significant lack of reasoning for the contested decisions which consequently had repercussions on her rights of defence and on the equality of the parties in the proceedings.
 4. Fourth plea in law, alleging that the competition notice is unlawful under Article 277 TFEU.
 - In this regard the applicant claims that, contrary to Article 1(e) of Annex III to the Staff Regulations, which states that the appointing authority is to establish the nature and type of the exams and how they will be marked, in the present procedure the selection board established the 'weighting factors', whereas this fell within the competence of the appointing authority according to the aforementioned provision.
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